

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
JULY 12, 2005
DRAFT

The Board of County Commissioners of Leon County, Florida, met in regular session at 3:00 p.m., with Chairman Thael presiding. Present were Commissioners DePuy, Grippa, Proctor, Rackleff, Sauls, and Winchester. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, Deputy Clerk Bill Bogan, and Secretaries Deanna Lehman and Jennifer Meale.

Invocation and the Pledge of Allegiance to the Flag were provided by Commissioner DePuy.

Awards and Presentations

- Commissioner DePuy presented a Resolution in Honor of the Retirement of Captain Harry Chaires, Leon County Sheriff's Office, after 37 years of dedicated service to the County. Captain Harry Chaires was born in the community of Chaires and has remained in the area ever since. In 1957, Captain Harry Chaires joined the Marine Corp Reserves, and then in 1961, became a member of Sheriff Bill Joist's Riot Squad -- along with Larry Campbell, Willie Meggs, and Ed Warmack.
- Commissioner Grippa presented a Resolution Recognizing and Celebrating Indian Springs Baptist Church, Celebrating the Church's 176th Anniversary. He stated that the Indian Springs Baptist Church building was constructed in 1854, but began much earlier in 1829. It has remained in continual existence for 176 years, that it is the fifth oldest Baptist Church in the state of Florida, and is the oldest Baptist Church in Leon County having ordained a number of Ministers and has set forth at least two foreign Missionaries.

Consent

Commissioner Winchester moved, seconded by Commissioner Sauls and carried unanimously, 7-0, to approve the Consent Agenda with the exception of item # 6, 8, 9, 21, 22, 32, and 33.

1. Approval of Bills and Vouchers Submitted for June 28, 2005 and Pre-approval of Bills and Vouchers Submitted for June 29 through July 11, 2005

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for July 12, 2005, and pre-approve payment of bills and vouchers for the period July 13, 2005 through August 29, 2005.

2. Approval of FY 04/05 Mid-Year Salary Budget Amendment

The Board approved Option 1: Approve Resolution and associated Budget Amendment for annual mid-year salary adjustments.

3. Adoption of Revised Policy No. 05-4, "Leon County Smoking Policy"

The Board approved Option 1: Adopt revised Policy No. 05-4, "Leon County Smoking Policy."

4. Approval of Addendum to Agreement with Thomas Howell Ferguson and Law, Redd, Crona, & Monroe, for External Auditing Services

The Board approved Option 1: Approve Addendum to Agreement for External Auditing Services with Thomas Howell Ferguson P.A., & Law, Redd, Crona & Monroe P.A., Agreement for two years and authorize the Chairman to execute.

5. Request to Reschedule the Workshop on Tourist Development Council Programs and Initiatives for Tuesday, October 11, 2005 at 1:30 – 3:00 p.m.

The Board approved Option 1: Reschedule the workshop on the Tourist Development Council's programs and initiatives for October 11, 2005 from 1:30 – 3:00 p.m.

6. Authorization to the County Administrator to Negotiate Contracts with The Zimmerman Agency for Public Relations and Advertising/Promotional Services for FY 2005/06

(This item was pulled for discussion.)

Commissioner Proctor moved, seconded by Commissioner Winchester, to approve Option 1: Authorize the County Administrator to negotiate contracts with the Zimmerman Agency for public relations and advertising/promotional services and authorize the Chairman to execute.

The Board entered discussion of the motion as follows:

- Commissioner Proctor encouraged the Commission to do everything they can to have African-American PR firms respond to County RFP for advertising/public relation services. He stated that, for the record, before this vote, in years previous, they had African-American firms servicing this contract, and it seems that they are light-years away from that pathway of only a few months ago.

- Commissioner Winchester asked why did the County not have an ad in the Florida, USA campaign and also whether or not the concerns of this issue have been dealt with. Guy Thompson, Tourist Development Director, answered that the TDC cannot respond to all requests for ads and that he plans to meet with Eugene Danaher and the Zimmerman Agency to review how the Zimmerman Agency selects what advertising they use.

Commissioner Winchester called the question.

The motion on the floor to approve Option 1 carried unanimously, 7/0.

7. Request to Schedule Follow-up Jail Population Management Workshop for Tuesday, August 30, 2005 from 12:00 – 1:30 p.m., and request to Schedule a Joint County/City Workshop on Growth Management Legislative Issues for August 30, 2005 from 1:30 – 3:00 p.m.

The Board approved Options 1, 2, and 3: 1) Schedule the follow-up workshop on Leon County Jail Population Management for August 30, 2005, from 12:00 – 3:00 p.m. 2) Schedule a Joint County/City Workshop on Growth Management Legislative Issues for Tuesday, August 30, 2005, from 1:30 – 3:00 p.m. 3) Reschedule the Workshop on Proposed Ordinance Amending the Land Development Code to Provide Development Incentives for Affordable Housing for October 25, 2005, from 1:30 – 3:00 p.m.

8. Approval of Appointments to the Watershed Management Policy Board

This item was continued to August 30, 2005.

9. Approval of the Transfer of Administrative Oversight of Volunteer Fire Departments from the Leon County Sheriff's Office to Leon County Emergency Medical Services

(This item was pulled for discussion.)

County Administrator Parwez Alam provided a brief explanation of the item and reason for staff recommendation and raised the following points:

- The County's interest and the Volunteers interest are in, basically, the same direction; they both have the same goal, to provide the best service to the community.
- The more Volunteers they have, the less effort the County will have to put in.
- Providing a solid Volunteer Fire Operation will cost taxpayers less money.
- The Sheriff's Office is supportive of this action.

- Chief Quillin, EMS Director, has a lot of experience regarding fire departments.
- It can be ensured that the County meets the requirements and provides adequate training under Chief Quillin.
- The State Legislature continues to change requirements for Volunteer Fire Departments (VFDs).
- EMS currently provides medical direction.

Speakers:

Jack Harron, Miccosukee VFD Chief and President of Leon County VFD Associations stated the following:

- They were not notified of the contract
 - They were presented with a contract that, in fact, only covers four of the six departments.
 - The contract that they were presented with did not cover them as first responders; it only covered paramedics and EMTs.
 - Under Tallahassee Fire Department's SOP, they can only operate as first responders.
 - There would be no objection to moving under County EMS, as long as they are notified of things that are going on.
 - They have a system that works, why fix something that is already working.
- The Commissioners gave special thanks to the Volunteer Firefighters in Leon County.

Commissioner DePuy moved, seconded by Commissioner Rackleff and carried unanimously, 7-0, to approve Option 1: Approve the "First Amendment to the Emergency Management Interlocal Agreement" and authorize the Chairman to execute same.

10. Request to Reschedule Workshop on Innovation Park for Tuesday, September 20, 2005, from 12:00 – 1:30 p.m.

The Board approved Option 1: Reschedule the Workshop on Innovation Park for September 20, 2005, from 12:00 – 1:30 p.m.

11. Request to Schedule a Workshop on Transfers on Development Rights for Tuesday, October 11, 2005, from 12:00 – 1:30 p.m.

The Board approved Option 1: Schedule Transfer of Development Rights Workshop for Tuesday, October 11, 2005, from 12:00 – 1:30 p.m.

12. Approval of Addendum I to the Grant Award Contract Deadline with Florida Communities Trust for the Acquisition of Copeland Sink

The Board approved Option 1: Approve Addendum I to extend the Grant Award Contract deadline with Florida Communities Trust for the acquisition of Copeland Sink to October 1, 2005, and authorize the Chairman to execute.

13. Authorization to Reestablish the Septic System Advisory Committee to June 30, 2006

The Board approved Option 1: Adopt Resolution reestablishing the Septic System Advisory Committee and extend the date of dissolution to June 30, 2006.

14. Request to schedule Two Public Hearings Regarding Proposed Ordinance Amending Chapter 18, Article III, Leon County Code of Laws, "On-site Sewage Disposal Systems" for Tuesday, August 30 and September 13, 2005 at 6:00 p.m.

The Board approved Options 1 and 2: 1) Schedule the first of two public hearings to amend Chapter 18, Article III, Leon County Code of Laws on Tuesday, August 30, 2005 at 6:00 p.m. 2) Schedule the second public hearing to amend Chapter 18, Article III, Leon County Code of Laws on Tuesday, September 13, 2005 at 6:00 p.m.

15. Approval of Joint Stipulation in Settlement of *Tracy Sullivan v. Leon County et al*

The Board approved Option 1: Approve the Joint Stipulation settling the *Tracy Sullivan v. Leon County et al, County Court Case No. 05-CC-2466*

16. Status Report on the Use of Special Assessment in Private Road Repair Program and Authorization to Negotiate Agreement with Tax Collector to Collect Service Charges Imposed for the Use of Private Paved Road Repair Services

The Board approved Options 1 and 2: 1) Authorize staff to negotiate an agreement with the Tax Collector, pursuant to Fla. Stat. 197.363(5), to act as County's agent in collecting service charges for private paved road repair services. 2) Present a proposed policy for the Board's consideration for implementation of a Private Paved Road Repair Services Program, which imposes service charges for the payment of such services to be collected by the Tax Collector.

17. Acceptance of Nine Conservation Easement from Premier Construction and Development, Inc.

The Board approved Option 1: Approve and accept for recording the conversation easement from Premier Construction and Development, Inc., for the Baker West Limited Partition Subdivision.

18. Acceptance of a Conservation Easement for the Cole Gray Limited Partition Project

The Board approved Option 1: Approve and accept for recording the conservation easement for the Cole Gray Limited Partition Project.

19. Adoption of Proposed Revisions Amending Chapter 10, Article XIII of the Leon County Code Laws, Relating to Signs

The Board approved Option 1: Authorize staff to proceed with the proposed Ordinance review and adoption process for the recommended revisions to the County's Sign Code, including review by the GEM Citizens User Group, Planning Commission Comprehensive Plan consistency review, and scheduling of Public Hearing.

20. Authorization for County Attorney to Take Appropriate Legal Action Against Partners for Highway Safety

The Board approved Option 1: Approve for County Attorney to take appropriate legal action to protect the County's interest in its property, including but not limited to eviction.

21. Approval of Final Change Order Request for the Courthouse Parking Garage Restoration Project

(This item was pulled for discussion.)

- Commissioner Proctor stated that there are problems regarding the water, peeling floors, and the foul odor in the Courthouse Parking Garage.
- County Administrator Parwez Alam agreed that the problem needed to be addressed and will have staff look into it.

Commissioner Proctor moved, seconded by Commissioner Sauls and carried unanimously, 7-0, to approve Option 1: Approve the two change order request for additional structural repairs and strengthening work at the Courthouse parking garage in the amount of \$242,294, and approve the First Amendment to the Design-Build Agreement, and authorize the Chairman to execute.

22. Adoption of Proposed County Website Policy

(This item was pulled for discussion.)

- Commissioner Proctor questioned whether or not this particular policy would prohibit him from having a link on the County's main website.
- Kim Dressel, Management Services Director, responded that the link is allowed, and as long as the information is County-related, it can be placed on the link.
- County Attorney Herb Thiele added that Commissioners could place County-related articles, information, issues, etc., on the website.

Commissioner Proctor moved, seconded by Commissioner Grippa and carried unanimously, 7-0, to approve Option 1: Adopt proposed County Website Policy.

23. Request to Schedule the First and Only Public Hearing for the Proposed Abandonment of Chelsea Drive on Tuesday, August 30, 2005 at 6:00 p.m.

The Board approved Option 1: Schedule a public hearing for August 30, 2005 at 6:00 p.m., to consider the abandonment of the Chelsea Drive right-of-way.

24. Request to Schedule First and Only Public Hearing on Proposed Abandonment of a Drainage Easement in The Bluffs at Deer Pointe Subdivision on Tuesday, August 30, 2005 at 6:00 p.m.

The Board approved Options 1 and 2: 1) Schedule a public hearing to consider the abandonment of a drainage easement across Block B, in the Bluffs at Deer Pointe subdivision for August 30, 2005 at 6:00 p.m. 2) Direct staff to refund the application fees totaling \$650 to Mr. Gale.

25. Request to Schedule First and Only Public Hearing Regarding the Pre-application for Authorization of a Water Service Area for Properties Located Along the North Side of Pisgah Church Road; a Portion of East Side of Greenville Road; Proctor Road Between Greenville and Centerville Roads; and West Side of Centerville Road on Tuesday, August 30, 2005 at 6:00 p.m.

The Board approved Option 1: Schedule a public hearing regarding the pre-application for authorization of a water service area for the properties located along the north side of Pigah Church Road, a portion of the east side of Greenville Road, both sides of Proctor Road (between Greenville and Centerville Road) and the west side portion of Centerville Road August 30, 2005 at 6:00 p.m.

26. Request to Schedule the First and Only Public Hearing on the Regarding the Pre-application for Authorization of a Water Service Area for Properties Located Along Portions of the Apalachee Parkway, Chaires Cross Road, Old St. Augustine Road, and W.W. Kelly Road on Tuesday, August 30, 2005 at 6:00 p.m.

The Board approved Option 1: Schedule a public hearing regarding the pre-application for authorization of a water service area for the properties located along portions of the Apalachee Parkway, Chaires Cross Road, Old St. Augustine Road, and W.W. Kelly Road August 30, 2005 at 6:00 p.m.

27. Request to Schedule the First and Only Public Hearing on the Regarding the Pre-application for Authorization of a Water Service Area for Properties Located Along the West Side of Crump Road, Between Emerald Acres and U.S. 90 on Tuesday, August 30, 2005 at 6:00 p.m.

The Board approved Option 1: Schedule a public hearing regarding the pre-application for authorization of a water service area for the properties located along the west side of Crump Road between Emerald Acres and U.S. 90 August 30, 2005 at 6:00 p.m.

28. Request to Schedule the First and Only Public Hearing on the Regarding the Pre-application for Authorization of a Water Service Area for Properties Located Along Velda Dairy Road, South of Bradfordville Road on Tuesday, August 30, 2005 at 6:00 p.m.

The Board approved Option 1: Schedule a public hearing regarding the pre-application for authorization of water and sewer service areas for the properties located along Velda Dairy Road south of Bradfordville Road August 30, 2005 at 6:00 p.m.

29. Request to Schedule the First and Only Public Hearing on the Regarding the Pre-application for Authorization of a Water Service Area for Properties Located Along Crawfordville Highway on Tuesday, August 30, 2005 at 6:00 p.m.

The Board approved Option 1: Schedule a public hearing regarding the pre-application for authorization of a water service area for the properties located along Crawfordville Highway August 30, 2005 at 6:00 p.m.

30. Request to Schedule First and Only Public Hearing on the Regarding the Pre-application for Authorization of a Water Service Area for Properties Located Along the North Side of Bannerman Road, East of Bull Headley Road on Tuesday, August 30, 2005 at 6:00 p.m.

The Board approved Option 1: Schedule a public hearing regarding the pre-application for authorization of a water service area for the properties located along the north side of Bannerman Road east of Bull Headley Road August 30, 2005 at 6:00 p.m.

31. Approval of the Plat for Crescent Hills, Phase I Subdivision, Contingent upon Approval of the City of Tallahassee Commission

The Board approved Option 1: Approve the portion of the Plat of Crescent Hills Phase I Subdivision that is in the unincorporated area for recording in the public records of Leon County, contingent upon approval by City Commission.

32. Authorization to Waive Board Policy No. 03-01, *Approval Authority for the Acquisition, Disposition, and Leasing of Real Property* and Adoption of a Resolution Transferring a Utility and Sanitary Sewer Easement in Favor of the City of Tallahassee

(This item was pulled for discussion.)

The Board entered discussion as follows:

- Commissioner Proctor expressed opposition to the sewer main being buried beneath Munson Slough. He stated that it is currently above ground and that there has been significant and major spillage. He voiced concern in regards to early detection of sewage leakage given that the sewer main would not be visible.
- Tony Park, Public Works Director, stated that the pump stations are monitored frequently.
- Joe Brown explained that there is already a fiberglass pipe mounted on the bridge. He stated that it is hard to get a permit to put a sewer pipe on a bridge, DEP will not allow you to do it, and they prefer the City's approach.
- Commissioner Proctor stated that he doesn't feel that visiting the site would be appreciable since he's not familiar with the process.
- Joe Brown encouraged the replacement of the pipe and stated that, by doing this, it would improve the safety and reduce the chance of leakage in that area.
- Commissioner Proctor stated that by making this investment, the County yielding and giving this easement, indicates that the City is settling in for the long haul to keep sewer in this part of the community.
- Lynn Putnam, Engineering Manager for the City's Water Utility, explained that Pump Station 70 is over 30 years old, that it is fairly inadequate, and that the structure is crumbling. She stated that the existing plastic pipe would simply be replaced with a steel pipe. She stated that what they are trying to do with the easement request is

move that crossing further away from Springhill Road, so that if there is future expansion of that road, the pipe will be well out of the construction range.

- Commissioner Proctor stated, for the record, three of the City's Sewer Treatment Facilities are in his District.
- Ms. Putnam concluded by saying that there are no speculative projections on placing Water Treatment Facilities in other areas of the county.

Commissioner Proctor moved, seconded by Commissioner Grippa, to approve Options 4, 5, and 6: 4) Do not waive Board Policy No. 03-01. 5) Do not adopt Resolution. 6) Do not authorize Chairman to execute the Utility and Sanitary Sewer Easement.

Commissioner Rackleff moved a substitute motion, seconded by Commissioner Sauls, to approve Options 1, 2, and 3: 1) Waive Board Policy No. 03-01 with regard only to this specific grant in order for staff to utilize the procedure provided in Section 125.38, Florida Statutes. 2) Adopt the Resolution attached hereto authorizing transfer of easement. 3) Authorize Chairman to execute the Utility and Sanitary Sewer Easement in favor of the City of Tallahassee.

- Commissioner Grippa suggested that, before they approve and yield any further easements, they discuss the specifics of the sewer agreement with the City.

The substitute motion carried 5-2 (Commissioners Proctor and Grippa opposed), to approve Options 1, 2, and 3: 1) Waive Board Policy No. 03-01 with regard only to this specific grant in order for staff to utilize the procedure provided in Section 125.38, Florida Statutes. 2) Adopt the Resolution attached hereto authorizing transfer of easement. 3) Authorize Chairman to execute the Utility and Sanitary Sewer Easement in favor of the City of Tallahassee.

33. Authorization to Reject Offer Received from Owner of Property Located at 2025 Harriet Drive and Extend Counteroffer in the Amount of \$149, 200 as Part of the Harbinwood Estates Drainage Improvements Project

- County Administrator Parwez Alam summarized the item and provided a history of the property appraisal process for the Harbinwood Estates Drainage Project.
- Vanessa Golden and Willie Golden, owners of the property, stated that they could not replace their home with the County's offer of \$149, 200; they do not feel that that is enough to acquire another home that is comparable to their current residence. She stated that they made a counteroffer to the County for \$187,000, she realized that that was

shooting high, but she thought that there would be a negotiation process.

Commissioner Winchester moved, seconded by Commissioner DePuy, to approve Option 1, as revised: Authorize County Administrator to reject offer received from owner and extend counteroffer in the amount of \$175,000, for property located at 2025 Harriet Drive, as part of the Harbinwood Estates Drainage Improvements Project counteroffer.

- Commissioner Grippa requested that an appraisal of the property be submitted to the Board.
- Commissioner DePuy stated that, when he met with the Golden's, they showed him documentation of a cost comparison that they prepared.
- Tony Park, Public Works Director, informed the Board that there are five additional properties that will have to be acquired in order for the project to move forward.
- Commissioner Rackleff voiced concern about going over the budget for land acquisition for this project.

Commissioner Grippa moved a substitute motion, seconded by Commissioner Sauls, to make a counteroffer of \$149,200 plus 13% annual increase, which totals \$168,500.

- The Golden's accepted the County's offer of \$168,500.
- Commissioner Rackleff stated that he didn't feel that this was a good way to buy property and treat the public's money.

The motion carried, 6-1 (Commissioner Rackleff opposed), to approve Option 1, as revised: Authorize County Administrator to reject offer received from owner and extend counteroffer in the amount of \$175,000 for property located at 2025 Harriet Drive, as part of the Harbinwood Estates Drainage Improvements Project counteroffer.

34. Authorization to Publish a Notice of Exchange of Drainage Easement within Frontier Estates, Unit 1

The Board approved Option 1: Authorize staff to publish a notice of the proposed exchange of drainage easement.

35. Adoption of Resolution Ratifying and Confirming the Special Assessment Roll for Stormwater and Certification of Roll to the Tax Collector

The Board approved Options 1 and 2: 1) Adopt the Resolution ratifying the Stormwater Assessment Roll, retaining the current \$20 rate. 2) Certify the roll to the Tax Collector.

36. Authorization to Renew Street Sweeping Agreement with the City of Tallahassee

The Board approved Option 1: Authorize the renewal of the Street Sweeping Agreement with the City of Tallahassee, and authorize chairman to execute.

Citizens to be Heard on Non-Agenda Items (3-minute limit; non-discussion by Commission)

- Dorothy Spence, Chaires-Capitola resident, asked Commissioners 1) Why they make rules and regulations and not follow them 2) If they were concerned about the buildings the County builds. She stated that the Community Center in Chaires has not been maintained and that the janitor's closet has a leak.
- Benny Woodlief, 2113 Natural Wells Drive, requested that the Woodville Branch Library issue be put back on the agenda. He stated that the Woodville Library is visited three times a month by the bookmobile and that the hours that people have access to library services are limited. He expressed that he would like for the Woodville Community to have access to computers every day, access to computer classes that would be conducted in the library, tutoring programs, and they would like to have programs like story-time for children.

General Business

37. Consideration of Operational Alternatives for the County's Community Centers Boards and Recreation Councils and Acceptance of Report in Response to Board Concerns at the Miccosukee Community Center

- County Administrator Pawrez Alam summarized the agenda item and explained that the agenda item included two issues: 1) the possible alternatives of transitioning Board-appointed recreation councils and community centers' Board of Directors, and 2) the staff report on the Board's concerns regarding the operation of the Miccosukee Community Center. He recommended that the Commissioners make the committees advisory committees and that they take over all of the work responsibilities to be done by the staff. He expressed that, if this is done, it would eliminate the public record concerns, it would insure proper accounting of the funds, and it would also eliminate the conflict that they have seen in the Miccosukee Community Center issue. He informed the Board that, if this approach were taken, one additional staff person would be required. He stated that, at this time, the County

is paying for 75% of the utility cost for the Leon County Community Centers. He suggested that 100% of the cost be paid.

- Ken Morris, Special Projects Coordinator, presented the staff review on the concerns and allegations regarding the operation the Miccosukee Community Center and presented the Board with the following facts:
 - There was opposition to the fact of holding classroom activities at the Miccosukee Community Center for the Youth Education Program because the facility could not accommodate the 30-40 students in the program.
 - No evidence was found that the Miccosukee Youth Education Foundation was denied access to the community center.
 - The Chairman of the Board, Ms. Harold, did not feel that the Youth Education Foundation was treated unfairly.
 - Mr. Morris, personally, tried to gain access to the community center using Ms. Harold's key and was unsuccessful in opening the deadbolt to the front door.
 - Mr. Morris observed Ms. Young try to gain access to the front entrance of the community center using her key, and she was not able to do so.
 - Facilities was able to gain access to the building using one of their keys.
 - There may be problems with the keys, rather than locks.
 - Ms. Young's assistant had a key that unlocked the deadbolt, but it didn't work for the main lock on the front door.
 - Miccosukee Youth Education Staff had adequate access to the facility.
 - The deadbolt was installed in June of '04 and was installed by the County.
 - Chairman Harold was not sure how or when Ms. Young received the key; however, she does know that Ms. Young received it prior to Miccosukee Board authorization for the program.
 - A site visit was conducted for the Boy's and Girls Club.
 - Mr. Morris observed that the Boy's and Girls Club held a lot of recreational type activities.
 - The storage closet at the Miccosukee Community Center was packed full.
 - There was space in the cabinets for storage, but there were no locks on the cabinets.
 - No sign of rodents were found.
 - The partitions were homemade chalkboards made of wood. When classes were not in session, the partitions were moved to a corner of the community center.

- The Miccosukee Youth Education Foundation was never given approval by the Community Center Board to construct and store the partitions in the center.
 - The partitions were moved outside under a shed by a person from an event that was scheduled there.
 - Mr. Morris did not believe that Ms. Harold could physically move the partitions outside.
 - Chairman Harold indicated that there was a family reunion scheduled on June 25th.
 - No evidence of racism by any Board member of the Miccosukee Community Center was found.
 - Ms. Harold never denied Ms. Young access to marquee letters.
 - There is not adequate room in the community center to subdivide the students into groups.
 - No opposition was found directed towards black children.
- It was established that the County holds the deed to the Miccosukee Community Center, as long as it's being used by the County or for county purposes, but if it's not being used by the County or for county purposes, then it has to be returned to the Billingsley Family.

Commissioner Rackleff moved, seconded by Commissioner Grippa, to approve Options 1, 2, and 3: 1) Adopt the focus group advisory committee model for community center citizen committees and recreation councils. 2) Approve the creation of one FTE and a proposed operating and capital budget totaling \$71,000 under the Parks and Recreation Division. 3) Accept report on the Miccosukee Community Center.

- Mr. Morris stated that, by approving the motion made by Commissioner Rackleff, would rid the local Boards of Directors any decision-making authority on access, that it would turn the power of access to County Staff. He informed the Board that the current program does not pay rent, but if the County policy were approved, then they would come back with a policy for Board approval on who would be exempt from paying rent and who would be offered free access to the facility.
- Commissioner Proctor voiced concern regarding the citizens who would not be able to pay the rent fee. He stated that if it's a public facility that the County has paid money for and in which they have subsidized, why should the public have to pay.
- County Administrator Parwez Alam clarified that if Options 1, 2, and 3 are approved, there would be certain activities that the community center would require rental payment; for example, parties, receptions, and weddings, but activities being performed for the community's benefit would, more than likely, not require rental payment.

Commissioner Proctor moved a substitute motion, seconded by Commissioner Grippa, to exempt programs for children and seniors from paying rent at community centers.

- The Commissioners agreed that it would be best to wait for staff to present a "package" to the Board, rather than include exemptions piecemeal.

Commissioner Grippa withdrew his second; the substitute motion fails for lack of a second.

- County Attorney Herb Thiele clarified, for the record, if Option 1 is adopted, it would create a focus group, rather than a committee. He stated that a focus group would not have binding decision-making authority, they would make recommendations to the County and the County would make the final decision.

Speakers:

- Carmen Rogers, P.O. Box 91050, Miccosukee, FL, stated that the issue in Miccosukee has always been about the building itself. She stated that they would like for the community center to remain as one-open room, rather than being separated into sections.
- Cheryl Gratt, 9086 Veterans Memorial Drive, talked about courtesy between residents and commissioners.
- Ronald Prescha, Sandy Oaks Lane, spoke in support of present use of community center, but stated there needed to be a separate place for the educational programs to be held.
- Aldonia Flowers – encouraged Miccosukee residents to work together.
- Mary Young, P.O. Box 5452, made reference to the article regarding the Miccosukee Community Center.
- David Hall, 1200 Miccosukee Road, stated that the citizens of the Miccosukee Community should discuss the issues.
- Rosa German, 14162 Woody Estate Lane, stated that there is division in the Miccosukee Community, like it or not, and until the commission schedules for regular meetings to be held regarding this issue, there will continue to be problems. She stated that she would support building an additional community center in the Miccosukee area.
- Tameka German, 9760 Veterans Memorial Drive, stated that there is a need for a multi-purpose community center.
- Gary Gratt, 9086 Veterans Memorial Drive, stated that no one has ever been locked out of the community center. He supports building an additional community center.
- Commissioner Proctor stated that he supports the quest to establish a new facility.

The motion carried unanimously, 6-0 (Commissioner Winchester out of Chambers), to approve Options 1, 2 and 3: 1) Adopt the advisory committee model for community center citizen committees and recreation councils. 2) Approve the creation of one FTE and a proposed operating and capital budget totaling \$71,000 under the Parks and Recreation Division. 3) Accept report on the Miccosukee Community Center.

38. Consideration of Public Safety Coordinating Council's Recommendation to fund "Mothers In Crisis" for Fiscal Year 04/05 and Fund "Team Child" for Fiscal Year 05/06

- Commissioners DePuy and Grippa stated that they would like for the funding for Mothers In Crisis to be a one-time deal. They requested that Mothers In Crisis submit quarterly reports for the Board's review.
- Commissioner Winchester stated that there is a 40% reduction of recidivism because of community outreach programs and supports the motion to allocate as much funding as possible to the programs.

Commissioner DePuy moved, seconded by Commissioner Grippa and carried unanimously, 7-0, to approve Options 1 and 2: 1) Accept Public Safety Coordinating Council's recommendation for one-time funding of \$50,000 for Mother's In Crisis of the contingency fund for FY 2004/05, and one time funding for Team Child in the amount of \$45,000 for FY 2005/06. 2) Approve the Budget Amendment Request Form for the \$50,000 transaction from the contingency fund to Mothers In Crisis.

39. Approval of First Amendment to the Agreement with Baycrest Construction Company for Emergency Repairs to the Exterior Structural Steel Columns at the Main Branch of the Leroy Collins Leon County Public Library

(Commissioner Proctor assumed chair.)

- Commissioner Rackleff voiced concern as to the condition of the building, given that it is only 15 years old.
- County Administrator Parwez Alam stated that assessment of the rest of the building would not be necessary.

Commissioner Winchester moved, seconded by Commissioner Grippa and carried 6-0 (Commissioner Thael out of Chambers), to approve Options 1, 2, and 3: 1) Approve the First Amendment to the Agreement with Baycrest Construction Company and authorize the Chairman to execute, and approve the associated change order. 2) Approve the budget amendment reallocating \$300,000 from the Southeast Branch Library project towards the Main Library column repair project. 3) Authorize staff

to allocate \$300,000 from the unallocated FY 05/06 reserve to the Southeast Branch Library project.

40. Consideration of Voluntary Annexation of Property Located at Ox Bottom/Thomasville Road

- Commissioner Grippa requested that Staff report back to the Board, and also requested that the City bring any zoning changes to the Board's attention.

Commissioner Grippa moved, seconded by Commissioner DePuy and carried 5-0 (Commissioners Sauls and Thael out of Chambers), to approve Options 1 and 2: 1) Do not object to the City annexation of the property at the corner of Ox Bottom and Thomasville Roads (Property Identification Number 14-28-20-425-000-0) 2) Recommend the City annex the portion of Ox Bottom Road which abuts the property proposed for annexation.

41. Request to Schedule Two Public Hearings on the Proposed Fallschase Chapter 163 Development Agreement

(Commissioner Thael assumed chair.)

- County Attorney Thiele stated that, in order to hold the public meeting, an agreement would be needed no later than 10 days before the August 30th meeting.
- Commissioner Grippa requested that Commissioner Proctor be the Board Negotiator to work on behalf of the County Commission given the staffing concerns on the Fallschase issue.

Commissioner Grippa moved, seconded by Commissioner Winchester to approve Option 1: Authorize staff to advertise and schedule two public hearings; the first on August 30, 2005, and the second on September 13, 2005, and designate Commissioner Proctor as the Board's negotiator concerning Proposed Fallschase Chapter 163 Development Agreement.

- Commissioner Winchester stated that the land needs to be developed in that part of the community.
- Commissioner DePuy stated that he could not support the proposed development in its current form and that some major changes will have to be made.
- Commissioner Rackleff stated that a workshop should be held on this issue, and that all of the lakes in our community need our protection. He voiced concern in regards to Commissioner Proctor being

appointed as negotiator. He stated that he would continue to fight this issue.

- Commissioner Proctor accepted the position as negotiator, and stated that he is sensitive to the issue regarding Lake Lafayette.
- County Attorney Thiele informed the Board that Lake Lafayette is considered to be an active lake.
- Commissioner Sauls stated that she does not support the agreement as it stands now, but that she looks forward to that area being developed.

Speakers:

- Lee Vause, representing Fallschase, stated that the solution of the Fallschase controversy has eluded the Commission and the County for a long time, but he hopes that they can reach a mutual agreement.
- Gregg Chelios, Trust for Public Land, explained the role of the Trust in assisting counties with purchases of environmentally sensitive lands and clarified the role the Trust could play in the Development of Fallschase. He stated that the Trust for Public Land has helped the Government acquire Lake Overstreet and Miccosukee Greenway. He stated that there are no commitments from the City that they are willing to participate in this process as of yet, but the City, for a number of reasons, should be a partner. Mr. Chelios expressed that the appraisal process of this property is not cut and dry, it is a very complex appraisal. The appraisals are done by a Made as Instructed, MAI appraiser, which is the highest level of appraiser you can hire.
- Linda Jamison, Big Bend Sierra Club, requested that the Board proceed with the greatest of caution and stated her concerns and the dangers regarding karst (limestone) that is present in most lakebeds.
- Zoe Kulakowski, 1320 Blockford Court West, stated that Lake Lafayette has a permanent lake on its bottom and has a direct connection to the Florida aquifer. She requested that the issue be brought to Buck Lake Alliance for review. She further stated that the Agreement is not ready for scheduling a public hearing and requested a 30-day delay.

Commissioner Rackleff moved a substitute motion, to not schedule public hearings prior to September 27, 2005; the motion failed for lack of a second.

- Rick Bateman, representing Fallschase, stated that this item is a procedural issue. He stated that the lakebed is not going to be used as a storm water holding pond and that the water will be treated.
- Commissioner Rackleff asked Mr. Bateman if they intend to abide by the environmental and development regulations.
- Mr. Bateman answered that they intend to negotiate the issues.

Commissioner Winchester called the question.

The motion carried 5-2 (Commissioners Rackleff and Thaelle opposed), to approve Option 1: Authorize staff to advertise and schedule two public hearings; the first on August 30, 2005, and the second on September 13, 2005, and designate Commissioner Proctor as the Board's negotiator concerning Proposed Fallschase Chapter 163 Development Agreement.

(Commissioner Proctor assumed chair.)

(Commissioner Thaelle reassumed chair.)

42. Expirations Vacancies and Appointments to: Adjustment and Appeals Board, Apalachee Parkway Regional Park Planning Committee, Architecture Review Board, Bradfordville Community Center Board of Directors, Code Enforcement Board, Enterprise Development Zone Agency, Fort Braden Community Center Board of Directors, Parks and Recreation Advisory Team, Planning Commission, Public School Facility Planning Oversight Committee, Senior Outreach Advisory Committee, Water Resources Committee, and Woodville Recreation Council
 1. Adjustment and Appeals Board
Commissioner Grippa moved, seconded by Commissioner DePuy, to reappoint Phil Blank; the motion carried 6-0 (Commissioner Rackleff out of Chambers)
 2. Apalachee Parkway Regional Park Planning Committee
Commissioner Proctor appointed Richard Noakes.
Commissioner Proctor moved, seconded by Commissioner Grippa, to confirm Carlos Alvarez as the Chaires-Capitola Recreation Council representative; the motion carried 6-0 (Commissioner Rackleff out of Chambers)
 3. Architectural Review Board
Commissioner Sauls moved, seconded by Commissioner Grippa, to reappoint Jimmie Williams; the motion carried 6-0 (Commissioner Rackleff out of Chambers)
 4. Bradfordville Community Center Board of Directors
Commissioner Winchester continued the appointment.
 5. Code Enforcement Board
Commissioner Grippa reappointed Glenn Brown.
 6. Enterprise Development Zone Agency
Commissioner Grippa moved without objection, Mr. Delmas Barber.
Commissioner Grippa moved, seconded by Commissioner DePuy, to reappoint Mayor Marks and Calvin Ross, and appoint Delmas Barber and Commissioner Proctor, as Vice-

- Chairman; the motion carried 5-0 (Commissioner Proctor and Rackleff out of Chambers)
7. Fort Braden Community Center Board of Directors
Commissioner DePut continued the appointment.
 8. Miccosukee Recreation Council
Commissioner Winchester appointed Matt Morris.
 9. Parks and Recreation Advisory Team
**Commissioner Grippa reappointed Paul Standish.
 Commissioner Rackleff reappointed Nick Gandy.**
 10. Planning Commission
Commissioner Sauls moved, seconded by Commissioner DePuy, to reappoint Dianna Norwood; the motion carried 6-0 (Commissioner Proctor out of Chambers)
 11. Public School Facility Planning Oversight Committee
Commissioner Grippa moved, seconded by Commissioner Sauls, to appoint Commissioner Bob Rackleff; the motion carried 6-0 (Commissioner Proctor out of Chambers)
 12. Senior Outreach Advisory Committee
Commissioner Rackleff continued the appointment.
 13. Water Resources Committee
**Commissioner Proctor's appointment is continued.
 Commissioner Sauls reappointed Martha Wellman.
 Commissioner Thaell reappointed Nancy Miller.
 Commissioner Winchester reappointed Dr. James Cavanagh.**
 14. Woodville Recreation Council
Commissioner Winchester continued the appointment.

Scheduled Public Hearings, 6 p.m.

43. First and Only Public Hearing on the First Notice of Proposed Change to the Fallschase Development of Regional Impact

Herb Thiele, County Attorney, distributed a revised First Amendment Development Order. It was established that People's First Bank has a property interest in the property in the subject matter of both the NOPC and the Chapter 163 Agreement and they object to both items 41 and 43. Mr. Thiele stated that the property ownership issue will have to be address before the agreement can be approved. Commissioner Rackleff stated that the Board needs to pull back and understand this issue before giving approval.

(Commissioner Proctor assumed chair.)

(Commissioner Thaell reassumed chair.)

Speakers:

- Tasha Buford, representing Fallschase, stated that the notice of proposed change does simply and only one thing, that is, to add three

parcels of property (60 acre, 17 acre, and 1- acre) and deletes one parcel to the DRI; additional parcels will allow flexibility in development. She explained that this proposal changes nothing with respect to the magnitude or the type of development that is already approved. She stated that these parcels are parcels for which all of the County's existing standards will govern how development will move forward. She assured Commissioner Rackleff that, in the future, she will not claim that the approval of the NOPC constitutes an approval of the land use that is envisioned by the owner.

- Zoe Kulakowski, 1320 Blockford Court West, requested a continuance of the public hearing so that the Buck Lake Alliance can review the First Notice of Proposed Change (NOPC); She stated that in 1974, the DRI had minimal impact, but today, there are major impacts on roads, sewers, and utilities. She expressed concern regarding the Waste Water Treatment Plant. She stated that when she last looked at the proposal for the Waste Water Treatment Plant for the facility, it was not large enough to handle all of the sewage that the development is going to generate.
- Linda Shelley, representing Fallschase, expressed that the NOPC is a very limited issue. She stated that no land use is being assigned to the properties and that none can be assigned until further action of the Board.
- Rick Batemean, representing Fallschase, stated that the NOPC only increases property in DRI, not densities and/or intensities. He stated that the NOPC does not give rights or take away rights; it simply allows them to have more room to build what they are already going to build.
- Dot Spence, Chaires-Capitola resident, expressed concerns regarding approval to build on property those floods.
- Carlos Alvarez, 1450 Lafayette Cove Road, suggested that the NOPC and Chapter 163 Agreement be brought before the Board at the same time. He stated that the Buckhead Community is unaware of the development.

Commissioner Grippa moved, seconded by Commissioner Winchester and carried 6-1 (Commissioner Rackleff opposed), to approve Option 1: Conduct the first and only Public Hearing on the First Notice of Proposed Change for the Fallschase Development of Regional Impact and determine that the NOPC does not represent a substantial deviation pursuant to the provisions of Chapter 380.06(19), Florida Statutes, subject to the two (2) amendments and revisions outlined in the agenda item.

44. First and Only Public Hearing Regarding Approval of the Annual Disposal Charge for Solid Waste Non-Ad Valorem Special Assessment

Commissioner Winchester moved, seconded by Commissioner DePuy and carried 6-0 (Commissioner Rackleff out of Chambers), to approve

Options 1 and 2: 1) Conduct Public Hearing and approve the Resolution establishing the annual disposal charge for the Solid Waste non-ad valorem special assessment in the amount of \$40.00 per residential unit for FY 2005-06. 2) Approve the Resolution adopting the Special Assessment Roll for solid waste disposal and certification to the Tax Collector.

45. First and Only Public Hearing to Consider Proposed Amendments to Chapter 2, Article IX, Section 2-400 of the Leon County Code of Laws Relating to Local Preference in Purchasing and Contracting

- Commissioner Grippa asked what was meant by "home office".
- County Attorney, Herb Thiele responded that it would be the place of business, and that the term place of business has legal meaning.
- Commissioner Thael suggested that they should enter discussion with the outlying county Boards and continue the item. He requested an amendment; to have a letter sent to the Commissions of the chairs to Wakulla, Jefferson, and Gadsden Counties to notify them of the situation.

Commissioner Grippa moved, seconded by Commissioner Winchester and carried 5-0 (Commissioner Proctor and Rackleff out of Chambers), to approve Option 1: Conduct first and only public hearing and adopt the proposed Ordinance amending Chapter 2, Article IX, Section 2-400 of the Leon County Code of Laws, Relating to Local Preference in Purchasing and Contracting.

Citizens to be Heard on Non-Agenda Items (6 minute limit)

Speakers:

- O'Neal Jackson Jr., 844 N. Macomb, implored the Board provide more job opportunities, in addition to the Summer Youth Program, for Leon County youth. Some of the jobs that Mr. Jackson suggested for the Leon County youth included; cleaning busses (inside and out) and cleaning Leon County schools.

Commissioner Rackleff moved, seconded by Commissioner Grippa and carried 6-0 (Commissioner Proctor out of Chambers), to direct staff to provide the Board with information on what the County is currently doing and what the County can do in the future to take an active role in youth career development.

County Administrator

- Noted the Board that the new budget books have been distributed to the Commissioners.

Commissioner Grippa moved, seconded by Commissioner Winchester and carried 6-0 (Commissioner Proctor out of Chambers), to increase each Commissioner's budget to \$10,000 (an increase of \$3,000) to allow Commissioners to decide on a bonus for their aide.

Discussion Items by Commissioners

Commissioner Rackleff

- Emphasized his disapproval of the Fallschase Chapter 163 Agreement.

Commissioner Grippa

Commissioner Grippa moved, seconded by Commissioner Rackleff and carried 5-0 (Commissioners Proctor and Winchester out of Chambers), to have an agenda item specifically regarding the digital canopy for Internet service.

Commissioner Grippa moved, seconded by Commissioner Rackleff and carried 5-0 (Commissioners Proctor and Winchester out of Chambers), to agenda the issue of hurricane cleanup contract.

Commissioner moved, seconded by Commissioner DePuy and carried 5-0 (Commissioners Proctor and Winchester out of Chambers), to agenda the issue regarding Barrow Hill neighborhood.

Commissioner Grippa moved, seconded by Commissioner DePuy and carried 5-0 (Commissioner Proctor and Winchester out of Chambers), to agenda consideration of funding for the renovations needed at the VFW.

Commissioner Proctor

- Requested a Resolution for Mr. Robert Jackson, for presentation at his memorial service.
- Requested a Resolution for the Anderson Chapel, which provides multiple services for the Springhill Community.
- Requested a Resolution for Mt. Zion "Come Together Day", for presentation at the event.

Commissioner Proctor moved, seconded by Commissioner Grippa and carried 6-0 (Commissioner Winchester out of Chambers), to waive the rules to take up issue of Tallahassee Eagles.

Commissioner Proctor moved, seconded by Commissioner Grippa and carried 6-0 (Commissioner Winchester out of Chambers), to provide

\$1,500, from the General Contingency Account, to the Tallahassee Eagles Boy's Basketball Team.

Commissioner Sauls

Commissioner Sauls moved, seconded by Commissioner DePuy and carried 6-0 (Commissioner Winchester out of Chambers), to agenda the issue regarding the Waters family property proposed land swap (Lake Munson Park).

Commissioner Grippa

- Announced that the Boy's and Girls Club need a "bridge" loan for the next 3-4 months. Commissioner Rackleff suggested that the Boys and Girls Club acquire a loan from a Financial Institution and the County pay the interest on the loan.

Commissioner Grippa moved, seconded by Commissioner DePuy and carried 6-0 (Commissioner Winchester out of Chambers), to provide a \$5,000 grant, from the General Contingency Account, to the Boys and Girls Club.

Commissioner Thael

- Announced that the City restored EDC funding in their budget and would the County consider the same.

Commissioner Grippa moved, seconded by Commissioner Proctor and carried 6-0 (Commissioner Winchester out of Chambers), to discuss restoration of EDC funding at the EDC Workshop on September 13, 2005.

Commissioner Grippa, seconded by Commissioner Proctor and carried 6-0 (Commissioner Winchester out of Chambers), to direct staff to provide the Board with information on proposed Coal Plant.

There being no further business to come before the Board, the meeting adjourned at 9.27 p.m.

APPROVED: _____
Cliff Thael
Chairman

ATTEST:

Bob Inzer
Clerk of the Circuit Court